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EXAMINER

SOTOMAYOR, JOHN

ART UNIT PAPER NUMBER

3714

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/455,956
Filing Date: December 07, 1999
Appellant(s): HAMEEN-ANTTILA, TAPIO

Alfred W. Froebrich
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For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 10, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

This appeal involves claims 1,2,4-9 and 11-44.

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection is substantially correct. The changes are as follows: Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobb et al in view of Moriarty et al in further view of Eiba and Applicant Admitted Prior Art.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

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The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

US Patent No. 5,810,680 (Lobb)

US Patent No. 6,062,991 (Moriarty)

US Patent No. 6,117,013 (Eiba)

US Patent No. 5,557,717 (Waymer)

US Patent No. 5,727,057 (Emery)

Applicant Admitted Prior Art

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

(1) The rejection of claims 1, 2, 4-9, and 11-32 as unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 5,810,680 (Lobb) in view of U.S. Patent No. 6,062,991 (Moriarty) and further in view of U.S. Patent No. 6,117,013 (Eiba).

(2) The rejection of claims 35, 39, and 43 as unpatentable under 35 U.S.C. 103(a) over Lobb in view of Moriarty and Eiba and further in view of U.S. Patent No. 5,557,717 (Waymer).

(3) The rejection of claims 36, 40, and 44 as unpatentable under 35 U.S.C. 103(a) over Lobb in view of Moriarty and Eiba and further in view of U.S. Patent No. 5,727,057 (Emery).

(10) Response to Argument

Appellant presents a first argument that the prior art of record does not disclose the limitation of a sport server that determines a type of mobile terminal used and display parameters

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of the mobile terminal, and that the sports server selects a prompt display to be communicated to the mobile terminal based on the determined display parameters of the mobile terminal as recited in independent claims 1, 12 and the means for initiating a communication connection with a sports server over a public cellular communications network and indicating to the sports server at least display parameters of said display of the mobile terminal, thereby ensuring that a prompt received from the sports server is suitable for viewing on said display as recited in independent claim 24.

Appellant also presents a second argument that the prior art of record does not disclose the limitation that the sport server transmits the sport data from the sport server to an output device which has requested the sport data, and wherein the sport data is adapted to a desired format for the output device by a dedicated filter as recited in independent claims 1 and 12 and dependent claims 37 and 41.

In addition, Appellant argues that there is no motivation to combine the teaching of the Eiba reference with the Lobb et al and Moriarty references.

In support of the first argument, appellant's representative presents the notion that the cited references (Lobb and Moriarty) recite golf course-specific radio communication systems, and that said systems have no need for the central computer to determine the type of input device and the display characteristics thereof. In addition, appellant's representative presents the argument that Eiba fails to teach or suggest anything related to the determination of the type of the device in communication with a system server.

However, the Examiner would like to point out that the Lobb et al and Moriarty references are not restricted to golf course-specific radio communication systems and that the

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central computer server in at least the Lobb et al reference is used to determine the type of input devices in communication with the system. This is disclosed in Lobb et al (Col 5, lines 14-28) in the teaching of the use of NAVSTAR global positioning systems for determining location of terminal devices and in the connection to the Iridium system which uses satellite data radios for the transmission and reception of information to locations at any point on the surface of the Earth. In neither case are these systems golf course-specific radio communication systems. In fact, the system disclosed by Lobb et al uses these commercially available systems to broaden the range and coverage of two-way communication between users on the golf course and other remotely located sites. In each case, the central computer of the golf course system must be used to determine the type of input devices in communication with the system in order to correctly process incoming signals from each type of system.

In addition, appellant's representative has mischaracterized the display recitation in the Eiba reference. The recitation in the Eiba reference states "It is significant that the game devices themselves only require a minimum specification, merely in the form of a display, in order to display the winning symbol combination..." (Col 2, lines 29-32). This disclosure teaches that the connected game devices must be able to display a winning combination sent from the system computer, not that they must meet a minimum requirements to be able to output the winning symbol combination. The more relevant teaching in the Eiba reference is that game devices may consist of "a game machine, as is also used in particular for installation amusement arcades for public use, substantially conventional television sets, personal computers, fixed telephones, mobile telephones and like personal data transmission devices can be ^{used} ~~used~~ as game devices" (Col 4, lines 12-17). There is no requirement for all of these devices to conform to some minimum

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requirements for display. Indeed, there is no possible minimum requirement that all of these types of game devices could conceivably meet just for the convenience of the transmission of sport data from a single game server. The Eiba reference goes on to teach that a “winning symbol X is transmitted from the transmitter (or a plurality of transmitters) through the bi-directional data telecommunication links to the individually connected game devices and is displayed there” (Col 4, lines 46-50) and that the transmission to game devices can include “another state via further data connections, for example overseas...” (Col 4, lines 63-64). This reference therefore supports the assertion by the Examiner that the system must determine the type of game device that is receiving the transmission from the computer server and that it is inherent when determining the type of device to which a communication is being transmitted that that transmission contain the required characteristics for formatting data for display on that particular device.

In support of the second argument, Appellant presents the notion that the prior art of record does not teach or suggest the limitation of a dedicated filter for data presentation because a filter is unnecessary in a golf course specific system wherein the data terminals all conform to a minimum set of standards for data display, removing the need for a data filter. Once again, appellant’s representative has chosen to mischaracterize the cited references as golf course specific radio communication systems, which they are not (see above). The plurality of devices recited as possible game devices in the Eiba references (Col 4, lines 12-17) and the possibility of even adapting the output for transmission to game devices located overseas (Col 4, lines 63-64) disclose a definite need for dedicated data filters in the server taught by the cited references in order to transmit data in the format required for display by each individual type of game device.

Appellant presents the argument in claim 24 that the prior art of record does not recite the transmission of data in the proper format to be displayed on mobile terminals connected to the system through mobile communication links. However, as is evident in both Lobb et al (Col 5, lines 15-18) and Eiba (Col 4, lines 15-16), mobile devices are taught as game devices for use with the systems disclosed by these references and that they transmit data in the proper format to be displayed on mobile terminals.

In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner cited the Lobb et al and Moriarty et al references as disclosing a method for transmitting sport data comprising the steps of establishing a communication connection between a mobile terminal and a sport server using a public cellular communications network so that the mobile terminal is in communication with the sport server, setting the mobile terminal in a sport data input mode and receiving the prompt display, inputting sport into the mobile terminal in communication with the sport server, directly transmitting the inputted sport data from the mobile terminal to the sport server and recording the sport data in a sport database (Lobb et al, cols 5 and 6, Moriarty et al, cols 5 and 6). Lobb et al/Moriarty et al does not specifically disclose determining the type of display and display parameters for mobile terminals attached to the sport server or using a filter to adapt sport data to a desired format for said mobile

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terminals. However, Eiba teaches a network communication connection to a sport server in which mobile terminals consist of a plurality of devices such as mobile terminals, telephone sets, and personal data devices (Col 4, lines 10-17), and in which data that represents an outcome of a sporting event is formatted through a data filter to provide for proper display on each of the plurality of sport terminals (Col 4, lines 26-40). Inherent to the process of selecting from among and transmitting to a plurality of output devices is the need to format data, through a proper data filter, in order to display said data properly on each of said devices. The ability to communicate with and properly display data on a plurality of output devices from a sport server provides the server with the ability communicate with all output devices owned by subscribers to the sport data system and to attach to new output devices as they become available and is well within the capability of one having ordinary skill within the art of networked communication services. Therefore, it would have been obvious to one of ordinary skill in the art to provide a sport server with an integral data filter to incorporate the ability to communicate with a plurality of output devices connected to the sport server into the system and method for the display of sport data to subscribers of the system in order to deliver sport information in a timely fashion and provide for a flexible upgrade path when new output devices become available to subscribers.

None of the three cited references in the first ground of rejection is relied upon separately for the rejection but in combination the references do fully teach the claim limitations recited in independent claims 1, 12 and 24.

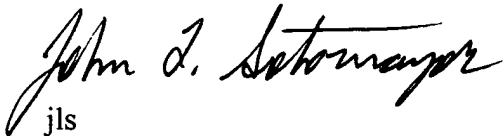
In the arguments for the rejection of claims 35, 39 and 43, appellant's representative has incorrectly stated that the Emery reference was used in regard to the rejection of these claims.

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As can be seen, the examiner has provided a proper prima facie case of obviousness denying patentability of the presented claims.

For the above reasons, it is believed that the rejections should be sustained.

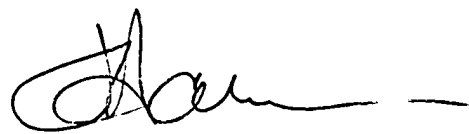
Respectfully submitted,



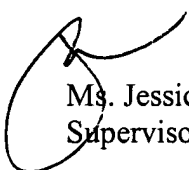
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